

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN ASSEMBLY JUNE 3, 2010

AMENDED IN SENATE MARCH 16, 2010

SENATE BILL

No. 886

Introduced by Senator Florez

January 19, 2010

An act to add Section 12301.26 to the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 886, as amended, Florez. In-home supportive services providers: electronic timekeeping.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Counties are responsible for administering the program.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons, including specified in-home services. Under existing law, IHSS recipients who are eligible for the Medi-Cal program, are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would authorize a county human services department responsible for administering specified in-home services, at its option, to use electronic timekeeping, as defined, for purposes of verifying hours completed and ensuring quality home care for in-home recipients, as defined. The bill would authorize a provider of the specified services to retain the option of using paper timesheets, as specified.

This bill would authorize the State Department of Social Services to implement and administer the bill through all-county letters or similar instructions from the director, as specified. *This bill would require electronic timekeeping procedures under the bill to comply with information and data requirements of the existing Case Management Information and Payroll System (CMIPS) or its successor system, when it is implemented.* The bill would provide that, if any part of the bill conflicts with federal requirements prescribing conditions for the allocation of federal funds to the state, the conflicting part shall not be implemented, solely to the extent of the conflict.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12301.26 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 12301.26. (a) For purposes of this section, the following terms
- 4 shall have the following meanings:
- 5 (1) "Electronic" means a telephone-based interactive voice
- 6 response or web-based interactive technology with the ability to
- 7 allow users to interface directly with case management systems
- 8 using telephone or the Internet.
- 9 (2) "Electronic timekeeping" means an electronic and verifiable
- 10 method for providers to input their payroll timesheets directly,
- 11 using a telephone-based interactive voice response or web-based
- 12 technology that both identifies a provider and accurately records
- 13 the timekeeping of that provider.

1 (3) “Recipient” means a person who has been deemed eligible
2 to receive in-home supportive services pursuant to this article, or
3 personal care services pursuant to Section 14132.95.

4 (b) (1) At the option of a county human services department
5 responsible for administering the in-home supportive services
6 pursuant to this article, a provider of services described in
7 paragraph (3) of subdivision (a) may use electronic timekeeping
8 for purposes of verifying hours completed ~~and ensuring quality~~
9 ~~home care~~ for in-home care recipients.

10 (2) A provider of services described in paragraph (3) of
11 subdivision (a) shall retain the option of using paper timesheets,
12 consistent with policies and procedures applicable on December
13 31, 2010.

14 (3) *A county that elects to use electronic timekeeping pursuant*
15 *to paragraph (1) shall maintain a toll-free telephone number to*
16 *enable providers and recipients to speak with someone to resolve*
17 *problems encountered with the electronic timekeeping process.*

18 (c) (1) Notwithstanding the rulemaking provisions of the
19 Administrative Procedure Act (Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
21 Code), the department may implement and administer this section
22 through all-county letters or similar instructions from the director.

23 **Instructions**

24 (2) *Instructions* issued pursuant to this subdivision shall be
25 developed in consultation with county human services departments,
26 representatives of providers and recipients, ~~the appropriate~~ public
27 authorities, and other stakeholders.

28 (3) *The all-county letters or instructions issued pursuant to this*
29 *subdivision shall include notice to all providers and recipients,*
30 *informing them of how electronic timekeeping works, a description*
31 *of procedural differences from existing processes, and information*
32 *regarding the continuing requirement to submit paper timesheets*
33 *for providers electing to use electronic timekeeping.*

34 (d) *Electronic timekeeping procedures adopted under this*
35 *section shall comply with all information and data requirements*
36 *of the Case Management Information and Payroll System (CMIPS)*
37 *or, when it is implemented, the new CMIPS developed pursuant*
38 *to Section 12317.*

39 ~~(d)~~

1 (e) If any part of this section is found to conflict with federal
2 requirements prescribing conditions for the allocation of federal
3 funds to the state, the conflicting part shall not be implemented,
4 solely to the extent of the conflict. Any regulation adopted pursuant
5 to this section shall be consistent with federal requirements
6 prescribing conditions for the receipt of federal funds by the state.

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